

REC. 11/9/2002

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
Faull et al.

Serial No: 09/889,515

Filed: October 10, 2001

For: Anti-Inflammatory Indole Derivatives

Attorney Docket No. ASZD-P01-~~1600/2900~~

Art Unit: 1626

Examiner: S. Wright

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Commissioner for Patents Washington, D.C. 20231 on the date indicated below:

December 2, 2002

Date of Signature  
and of Mail Deposit

Brent LaBarge

Commissioner for Patents  
Washington, D.C. 20231

**REPLY TO RESTRICTION REQUIREMENT**

Sir:

In reply to the outstanding Restriction Requirement, mailed October 1, 2002, in connection with the above application. Applicants hereby elect Group I, with traverse. Applicants elect this invention with traverse with respect to compounds where R<sup>4</sup> includes a heterocyclic group. The Examiner has stated that R<sup>4</sup> itself may be a heteroaryl group and so cannot be included within the scope of Group I. However, R<sup>4</sup> is defined as an amido, a sulphonamido, or a carbamate group, and it is these groups that may carry heterocyclic substituents (R<sup>15</sup>, R<sup>16</sup>, or R<sup>17</sup>). Any heteroaryl groups that may be present thus would be remote from the "core" indole structure of the molecule of the invention. Therefore it would not constitute a significant additional burden to include within the scope of Group I compounds where R<sup>4</sup>, as defined in claim 1, contains a substituent heterocyclic group.

The Examiner may address any questions raised by this submission to the undersigned at 617-951-7000. Should an extension of time be required, Applicants hereby petition for same and request that the extension fee and any other fee required for timely consideration of this submission be charged to **Deposit Account No. 18-1945**.

Respectfully Submitted,

Date: December 2, 2002

**Customer No: 28120**  
Docketing Specialist  
Ropes & Gray  
One International Place  
Boston, MA 02110  
Phone: 617-951-7000  
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David P. Halstead  
Reg. No. 44,735

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# FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)  
**110.00**

## Complete if Known

Application Number	09/889515
Filing Date	October 10, 2001
First Named Inventor	Alan Wellington Faull
Examiner Name	Not Yet Assigned
Group Art Unit	1626
Attorney Docket No.	ASZD-P01-471

## METHOD OF PAYMENT (check all that apply)

 Check     Credit Card     Money Order     Other     None
 Deposit Account

Deposit Account Number

18-1945

Deposit Account Name

Ropes &amp; Gray

The Commissioner is hereby authorized to: (check all that apply)

 Charge fee(s) indicated below     Credit any overpayments Charge any additional fee(s) during the pendency of this application Charge fee(s) indicated below, except for the filing fee

to the above-identified deposit account

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

## Large Entity   Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812*	2520	1812*	2520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1840*	1805	1840*	Requesting publication of SIR after Examiner action	
1251	110	2251*	65	Extension for reply within first month	
1252	410	2252	230	Extension for reply within second month	
1253	920	2253	450	Extension for reply within third month	
1254	1440	2254	720	Extension for reply within fourth month	
1255	1960	2255	930	Extension for reply within fifth month	
1401*	310	2401*	160	Notice of Appeal	
1402*	320	2402*	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1510	1451	1510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1180	2453	610	Petition to revive - unintentional	
1501	1280	2501*	640	Utility issue fee (or reissue)	
1502	460	2502	230	Design issue fee	
1503	620	2503	310	Plant issue fee	
1460*	130	1460*	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806*	180	1806*	180	Submission of Information Disclosure Stmt	
8021*	45	8021*	45	Recording each patent assignment per property (times number of properties)	
8006*	120	2809	370	Filing a submission after final rejection (37 CFR 1.129(a))	
1511*	110	2811*	110	Filing each additional invention type examined (37 CFR 1.129(d))	
1512*	110	2801*	110	Request for Continued Examination (RCE)	
1801	930	1801*	930	Request for expedited examination of a design application	
Other fee (specify)					
Reduced by Basic Filing Fee Paid				SUBTOTAL (3) (\$)	110.00

\*\* or number previously paid, if greater. For Reissues, see above

## SUBMITTED BY

Name/Title/Type: David P. Halstead, Ph.D.

Complete if applicable

Registration No.  
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Phone: (617) 951-7615

I declare under penalty of perjury that the above information is true and correct. I understand that if I intentionally make a false statement, I may be subject to criminal and/or civil penalties.

Firm:

USPTO

Brent L. Johnson

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